IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 19868

QUINAULT TRIBE OF INDIANS, et al., Appellants,

v.

A. M. GALLAGHER, et al., Appellees.

APPELLANTS' REPLY TO APPELLEES' SUPPLEMENTAL BRIEF

On May 31, 1966, appellees filed an unauthorized supplemental brief, raising for the first time the argument that the disclaimer in the Washington constitution was a nullity under the equal-footing doctrine.[1] Our motion to strike was denied, but leave to reply to appellees' argument was granted, and accordingly this reply is hereby submitted.

Appellees' argument is unsound. It is true that provisions of an enabling act, even though incorporated in a state constitution, are not binding on the state if they purport to

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1. Appellees had leave to file a response to the Justice Department's amicus brief, but not to argue a new theory.

deprive the state of jurisdiction over matters over which the states would normally be expected to assert jurisdiction.[2/] But as appellees' own quotations show (pp. 3, 4, 6-7), the equal-footing doctrine does not invalidate restrictions imposed on the state by Congress with respect to a matter over which Congress has paramount jurisdiction, such as Indian affairs. A leading case is United States v. Sandoval, 231 U.S. 28 (1913), where Congress required New Mexico, as a condition to becoming a state, to prohibit introduction of liquor into Indian country. This prohibition in the enabling act was upheld. To similar effect, see also Dick v. United States, 208 U.S. 340 (1908); Ex parte Webb, 225 U.S. 663 (1912).

Consequently, Congress had clear power to require Washington to agree to the disclaimer as a condition to admission, and we would not have understood appellees to suggest otherwise, except for some language at the end of their brief (p.8), that the inclusion of the disclaimer in the constitution was merely

> "... an expression that Washington recognizes the constitutional authority of the Congress over the Indians and Indian reservations when it [Congress?] decides to exercise this jurisdiction."

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2. For instance, in Coyle v. Smith, 221 U.S. 559 (1911) the Oklahoma enabling act required the state to agree irrevocably that the state capital would be located at Guthrie and relocated before 1913, and the state did irrevocably agree. Nevertheless, the capital was moved in 1910. The Court approved, on the ground that this was "essentially and peculiarly state business." At p.565.

If this is to suggest that the disclaimer is not an affirmative restraint on the state from invading the federal area of Indian affairs, we would disagree.[3/] One of appellees' quotations suggests (p.4, bottom) that the disclaimer gains its force solely from Congress's exclusive jurisdiction over Indian affairs, rather than from its acceptance by the state. But another quotation cited by appellees (p.7, top) suggests that the state might properly agree to forego taxation of Indians, and further, that such an agreement raises no equal-footing question.

After reviewing the equal-footing cases, appellees conclude (p.8) that

> "... when the Congress sees fit to relinquish its exclusive jurisdiction, it is relinquished to Washington as well as to any other state, the provisions of the Enabling Act notwithstanding."

We are unable to follow this reasoning. Congress in Public Law 280 did not relinquish jurisdiction to Washington; it relinquished jurisdiction to five named states (not including Washington) and no others. It offered to relinquish jurisdiction to the other states on certain conditions, and one of them so far as Washington is concerned is that Washington repeal its constitutional disclaimer. Congress in enacting Public Law 280 could

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3. See Dept. of Interior, Federal Indian Law (1958) at p. 503: "One of the most preclusive reasons [for the incapacity of the states to legislate on Indian affairs] is found in the express disclaimers of state jurisdiction over Indian lands stipulated in Enabling Acts and incorporated in State constitutions". This authoritative source certainly assumed that the disclaimers were affirmative restraints.

have said, "You states who have constitutional disclaimers, originally adopted at our insistence, may regard them as cancelled, so far as we are concerned. You may repeal the disclaimer, or not, as you please." But Congress did not say that; instead, it said: "You states who have constitutional disclaimers will have to amend your constitutions before you can take jurisdiction over Indians." Consider once more the language of Section 6 of Public Law 280:

> "Provided, That the provisions of this Act shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes as the case may be."

This was an express condition precedent, and until complied with, jurisdiction could not shift to the state.

The great amount of briefing this case has received tends to obscure the fact that it presents no more than a simple matter of offer and acceptance, and has little or nothing to do with federal supremacy, exclusive federal jurisdiction over Indians, state's rights, equal-footing, or any other complicated theory. Congress chose to relinquish jurisdiction to Washington only if it amended its constitution. The condition not having been met, Washington has not accepted Congress's offer. The case is that simple.

Respectfully submitted,

Charles A. Hobbs
Attorney for Appellants
1616 H Street, N.W.
Washington, D.C. 20006

WILKINSON, CRAGUN & BARKER
Jerry C. Straus

LESOURD & PATTEN

Gladys Phillips
Of Counsel

CERTIFICATE

I certify that, in connection with the preparation of this brief, I have examined Rules 18 and 19 of the United States Court of Appeals for the Ninth Circuit, and that, in my opinion, the foregoing reply brief is in full compliance with those rules.

Charles A. Hobbs

CERTIFICATE OF SERVICE

Served this _____ day of August, 1966, by mailing one copy each to the attorneys for appellees: Jane Dowdle Smith, Assistant Attorney General, Temple of Justice, Olympia, Washington, and L. Edward Brown, Esquire, Prosecuting Attorney for Gray's Harbor County, P.O. Box 529, Montesano, Washington.

Charles A. Hobbs

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 19868

QUINAULT TRIBE OF INDIANS, et al., Appellants,

v.

A. M. GALLAGHER, et al., Appellees.

PETITION FOR REHEARING

On September 19, 1966, this Court affirmed a decision of the United States District Court for the Western District of Washington dismissing our action for a declaratory judgment and injunctive relief. Expressly refraining from reaching the merits of the controversy, the Court agreed with our assertion that federal questions were presented by our case which "could invoke federal question jurisdiction under 28 U.S.C. 1331" (Slip Op. p. 6). However, the Court ruled that the District Court lacked jurisdiction to hear the cause because "the matter here in controversy does not exceed the sum or value of $10,000" (Slip Op. p. 8).[1/]

1. The Court also ruled that there was no jurisdiction under the Civil Rights Act, 42 U.S.C. 1983, 28 U.S.C. 1343(3).

We seek rehearing on the grounds that it is no longer required that our case involve $10,000. On October 10, 1966, the President signed a bill into law[2] which provides that:

> "The district courts shall have original jurisdiction of all civil actions, brought by any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States."

The effect of this legislation is to give the district courts federal question jurisdiction in cases brought by Indian tribes irrespective of amount in controversy.[3]

We respectfully request this Court to vacate its previous opinion and proceed to a determination of the merits of the case. As of October 10, 1966, the federal district court had jurisdiction to entertain our suit since, as previously determined by this Court the suit presents questions arising "under the Constitution, laws, or treaties of the United States." The only other prerequisite to jurisdiction under the provisions of S. 1356 is that the action be brought by an Indian tribe "with a

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2. S. 1356, copy attached. This bill is now Public Law 89-635. The President's action is reported in 112 Cong. Rec. D987 (daily edition October 11, 1966).

3. See S. Rept. 1507, copy attached.

governing body duly recognized by the Secretary of Interior." While our complaint does not specifically allege this fact, it is undisputed that the Quinault Tribe has a governing body so recognized.[4/] This Court may allow amendment of the complaint to so reflect that jurisdictional fact.[5/]

It can well be argued that S. 1356 was intended by Congress to validate pending cases wherein the $10,000 requirement was not met. The language of the statute says that the district courts "shall have jurisdiction" if the conditions specified (federal question and suit brought by a governing body of a tribe) are met. Absent language providing that the Act is to have no effect on pending cases, the effect of the language quoted is to confer immediate jurisdiction. When Congress has intended to exclude pending cases from the effect of new jurisdictional rules, it has said so expressly. Thus, when, in 1958, the jurisdictional amount in federal question and diversity suits was increased from $3,000 to $10,000 (Public Law 85-554, 72 Stat. 415), the statute stated:

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4. See attached letter from Department of Interior.

5. See Texaco-Cities Service Pipe Line Co. v. Aetna Casualty and Surety Company, 283 F.2d 144 (8th Cir. 1960); 28 U.S.C. 1653.

"This Act shall apply only in the case of actions commenced after the date of the enactment of this Act."

Forcing the Tribe to begin all over again in the District Court would serve no legitimate purpose. The District Court ruled against us from the bench, on the merits, as well as on jurisdictional grounds, after argument on the State's motion to dismiss the complaint, stating that the questions posed for decision were "better decided by an appellate court" and that "the best interests of the Quinaults and the State of Washington and all concerned will be advanced by prompt decision which will enable early review on a brief and inexpensive record".[6/] If a new suit were brought, there is no reason to suppose that the District Court would change its opinion. Appellants would be forced to take another appeal and the case would come before this Court in exactly the same posture as it is now.

All that would be accomplished by such a procedure would be needlessly to subject the Tribe to furthur expense and delay. It would seem that Congress would not

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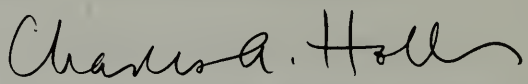
6. See appellants' main brief, p. 11.

have intended such a result, in view of the remedial purposes of the legislation. Each day that this litigation is prolonged postpones the day when federal and state law enforcement officials will at last know what their respective responsibilities are. At present the status is in limbo, a highly unsatisfactory condition to all sides. The question of who has jurisdiction over the Quinault Reservation has been in dispute and litigation since 1957. This Court will serve the cause of justice and the interests of all sides by a decision on the merits at this time.

Respectfully submitted,

WILKINSON, CRAGUN & BARKER



By: Charles A. Hobbs

WILKINSON, CRAGUN & BARKER
Jerry C. Straus

LESOURD & PATTEN

Gladys Phillips
Of Counsel

CERTIFICATE

I certify that the foregoing petition for rehearing is well-founded, in my judgment, and is not interposed for purposes of delay.

Charles A. Hobbs

CERTIFICATE OF SERVICE

Served this 14th day of October, 1966, by mailing one copy each to the attorneys for appellees: Jane Dowdle Smith, Assistant Attorney General, Temple of Justice, Olympia, Washington, and L. Edward Brown, Esquire, Prosecuting Attorney for Gray's Harbor County, P.O. Box 529, Montesano, Washington.

Charles A. Hobbs

89TH CONGRESS
2D SESSION

S. 1356

IN THE HOUSE OF REPRESENTATIVES

AUGUST 29, 1966

Referred to the Committee on the Judiciary

AN ACT

To amend the Judicial Code to permit Indian tribes to maintain civil actions in Federal district courts without regard to the $10,000 limitation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28, United States Code, is hereby amended by inserting in chapter 85 thereof immediately after section 1361, a new section to be designated section 1362, as follows:

"§ 1362. Indian tribes

"The district courts shall have original jurisdiction of all civil actions, brought by any Indian tribe or band with a governing body duly recognized by the Secretary of the In-

terior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States."

SEC. 2. The chapter analysis of chapter 85 of title 28 of the United States Code is amended by adding at the end thereof the following new item:

"1362. Indian tribes."

Passed the Senate August 26 (legislative day, August 25), 1966.

Attest: EMERY L. FRAZIER,

Secretary.

EPARTMENT OF TRANSPORTATION

onferees, in executive session, agreed to file a confer-ice report on the differences between the Senate- and ouse-passed versions of H.R. 15963, to create at the abinet level a Department of Transportation.

NANCIAL INSTITUTIONS

onferees, in executive session, agreed to file a confer-ce report on the differences between the Senate- and ouse-passed versions of S. 3158, strengthening the gulatory and supervisory authority of Federal agencies er insured banks and savings and loan associations.

C. POLICEMEN, FIREMEN, AND TEACHERS

onferees, in executive session, agreed to file a confer-ce report on the differences between the Senate- and ouse-passed versions of H.R. 15857, increasing salaries policemen, firemen, and teachers in the D.C.

PROPRIATIONS—LABOR-HEW

onferees met in executive session to resolve the differ-ces between the Senate- and House-passed versions H.R. 14745, fiscal 1967 appropriations for the Depart-nts of Labor and Health, Education, and Welfare, d related agencies, but did not reach final agreement, d recessed subject to call.

VERTY

onferees continued in executive session to resolve the ferences between the Senate- and House-passed ver-ns of H.R. 15111, proposed Economic Opportunity t Amendments of 1966, but did not reach final agree-nt, and will meet again tomorrow.

ATER POLLUTION CONTROL

onferees continued in executive session to resolve the ferences between the Senate- and House-passed ver-ns of S. 2947, to improve and make more effective ograms under the Federal Water Pollution Control t, but did not reach final agreement and will meet ain on Thursday, October 13.

BILLS SIGNED BY THE PRESIDENT

New Laws

(*For last listing of public laws see* DIGEST, *p. D957, October 5, 1966*)

S. 2393, authorizing additional GS–16, GS–17, and S–18 positions for new agencies and expanded func-ns. Signed October 8, 1966 (P.L. 89–632).

H.R. 15510, relating to the payment of installments on ns insured by the Farmers Home Administration. gned October 8, 1966 (P.L. 89–633).

agency to carry out provisions of the Beirut Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character. Signed October 8, 1966 (P.L. 89–634).

S. 1356, permitting Indian tribes to maintain civil actions in Federal district courts without regard to the $10,000 limitation. Signed October 10, 1966 (P.L. 89–635).

H.R. 14019, authorizing additional appropriations for the acquisition or construction of buildings for the Foreign Service. Signed October 10, 1966 (P.L. 89–636).

S.J. Res. 197, to extend until April 30, 1967, authority for Postmaster General to enter into leases of real property for periods not exceeding 30 years. Signed October 10, 1966 (P.L. 89–637).

S. 2070, providing for the holding of terms of the District Court for the District of South Dakota at Rapid City. Signed October 10, 1966 (P.L. 89–638).

H.R. 16608, to amend the charter of Southeastern University of the D.C. Signed October 10, 1966 (P.L. 89–639).

S. 2540, authorizing conclusion of an agreement for joint construction by U.S. and Mexico of flood control project for the Tijuana River. Signed October 10, 1966 (P.L. 89–640).

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 12

(*All meetings are open unless otherwise designated*)

Senate

Committee on Appropriations, Subcommittee on Defense Appropriations to meet in executive session jointly with the Committee on Armed Services for the consideration of reprograming requests, 10:30 a.m., 1224 New Senate Office Building.

Committee on the Judiciary, subcommittee, on the nomination of James E. Noland, to be U.S. district judge for the southern district of Indiana, 10:30 a.m., 2228 New Senate Office Building.

House

Committee on Agriculture, Subcommittee on Domestic Marketing and Consumer Relations, to consider H.R. 15959, to eliminate certain requirements under the Agricultural Adjustment Act with respect to effectuating marketing orders for cherries, 10 a.m., 1301 Longworth House Office Building.

Subcommittee on Forests, executive, on pending legislation, 9:30 a.m., 1302 Longworth House Office Building.

Committee on Education and Labor, General Subcommittee on Labor, to continue consideration of H.R. 16831, to investigate the effect of foreign competition on domestic employment when a complaint is filed by an employer or labor organization; and H.R. 17248, the Fair Labor Standards Foreign Trade Act, 9:30 a.m., 2257 Rayburn House Office Building.

Special Subcommittee on Education, executive, to continue the study of the Office of Education, 10 a.m., 2261 Rayburn House Office Building.

Calendar No. 1473

89TH CONGRESS
2d Session

SENATE

REPORT
No. 1507

PERMITTING INDIAN TRIBES TO MAINTAIN CIVIL ACTIONS IN FEDERAL DISTRICT COURTS WITHOUT REGARD TO $10,000 LIMITATION

AUGUST 24, 1966.—Ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1356]

The Committee on the Judiciary, to which was referred the bill (S. 1356) to amend title 28, United States Code, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

AMENDMENTS

1. Page 1, line 4, strike "1360" and insert in lieu thereof "1361".
2. Page 1, line 5, strike "1361" and insert in lieu thereof "1362".
3. Page 1, line 6, strike "1361" and insert in lieu thereof "1362".
4. Page 1, after line 11, insert a new section 2:

SEC. 2. The Chapter Analysis of Chapter 85 of title 28 of the United States Code is amended by adding at the end thereof the following new item:

"§ 1362. Indian tribes."

PURPOSE OF AMENDMENTS

The previous section number assigned, 1361, is already in use, and the proposed section must be renumbered as 1362.

Purpose of Bill

The purpose of the bill as amended is to permit Indian tribes to bring civil actions arising under the Constitution, treaties, and laws of the United States, without regard to the $10,000 limitation, and accordingly amends chapter 85, title 28, United States Code, by adding a new section.

Statement

The Department of the Interior and the Judicial Conference of the United States have recommended that this bill pass. The Department of Justice declines to take a position on the bill, observing that it is a matter of policy upon which it is not appropriate for the Department to take a position. The Department of Justice points out, however, that there is no reason to believe that the number of cases which might result from the expansion of jurisdiction would be very large.

At hearings on this bill held by the Subcommittee on Improvements in Judicial Machinery, Senator Quentin N. Burdick, author of the bill, testified in its behalf. The Senator's statement was substantially confirmed by Mr. Richmond Allen, Associate Solicitor in charge of indian affairs for the Department of the Interior, and by Marvin Sonosky, Esq., an attorney speaking on behalf of some half-dozen Indian tribes. In substance, the proponents of this bill indicate that the jurisdictional limitation works an especial hardship on Indian tribes. In many instances claims arise under special treaties between the United States and the tribes, but because of the limitation the matter cannot be litigated in Federal courts. As an example, several parcels of land may be claimed by the tribes, each of the parcels being valued at under $10,000, even though the aggregate constitutes more than $10,000. However, these claims may not be added together for the purpose of meeting the jurisdictional amount, and the tribes are denied a Federal forum.

There is great hesitancy on the part of tribes to use State courts. This reluctance is founded partially on the traditional fear that tribes have had of the States in which their reservations are situated. Additionally, the Federal courts have more expertise in deciding questions involving treaties with the Federal Government, as well as interpreting the relevant body of Federal law that has developed over the years.

Currently, the right of the Attorney General of the United States to bring civil actions on behalf of tribes without regard to jurisdictional amount, a power conferred on him by special statutes, is insufficient in those cases wherein the interest of the Federal Government as guardian of the Indian tribes and as Federal sovereign conflict, in which case the Attorney General will decline to bring the action.

The proposed legislation will remedy these defects by making it possible for the Indian tribes to seek redress using their own resources and attorneys.

After a study of all of the foregoing the committee is of the opinion that this legislation is meritorious, and recommends that the bill S. 1356, as amended, be considered favorably.

Department of the Interior, the Department of Justice, and the Judicial Conference of the United States.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., December 22, 1965.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: This responds to your request for a report on S. 1356, a bill to amend the Judicial Code to permit Indian tribes to maintain civil actions in Federal district courts without regard to the $10,000 limitation, and for other purposes.

We recommend that the bill be enacted.

The bill removes the $10,000 jurisdictional limitation upon civil litigation in the U.S. district courts by Indian tribes when the matter in controversy arises under the Constitution, laws, or treaties of the United States.

The Judicial Conference has endorsed the bill on the grounds that (1) it presents no difficulty of judicial administration, and (2) it is in line with recently enacted statutes conferring Federal question jurisdiction without regard to the amount of money involved. We concur in that view.

In addition, it is particularly appropriate to remove the $10,000 limitation with respect to litigation involving tribal lands that are or were held by the United States in trust for the tribe, or by the tribe subject to a restriction against, alienation imposed by the United States. The issues involved are Federal issues and the tribes should not be required to conduct the litigation in the State courts.

It should be noted that the United States as trustee can initiate the litigation in the Federal courts, and often does so. Occasionally, however, the U.S. attorney declines to bring an action, and the tribes should then have access to the Federal courts through their own attorneys.

The new section added to title 28 of the United States Code should be section 1362 rather than section 1361.

We also suggest that the bill should add the new section 1362 to the table of contents for chapter 85 that precedes section 1331.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
SUPREME COURT BUILDING,
Washington, D.C., October 1, 1965.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: This is in further reply to your request of March 11, 1965, for the views of the Judicial Conference of the United States on S. 1356, a bill to amend the judicial Code to permit Indian tribes to maintain civil actions in Federal district courts without regard to the $10,000 limitation, and for other purposes.

At its recent session on September 22–23, 1965, the Judicial Conference voted to approve this legislation. The Conference believes that the elimination of the $10,000 jurisdictional limitation upon civil litigation of Indian tribes would present no difficulty of judicial administration and would be in line with the more recently enacted statutes conferring Federal question jurisdiction which do not contain a monetary limitation.

It should be noted that the proposed section 1361 of title 28 of S. 1356 should be numbered 1362 as the previous number is already in use.

Sincerely,

WILLIAM E. FOLEY,
Deputy Director.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., March 4, 1966.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1356, a bill to amend the Judicial Code to permit Indian tribes to maintain civil actions in Federal district courts without regard to the $10,000 limitation, and for other purposes.

Under existing law the district courts have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States (28 U.S.C. 1331(a)). The $10,000 jurisdictional amount is, of course, not applicable to actions brought in the name of the United States to enforce rights of Indian tribes arising under the Constitution, laws, or treaties of the United States (28 U.S.C. 1345). The bill would amend the Judicial Code by adding a new section under which the district courts would be vested with original jurisdiction of all civil actions, brought by any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States.

The effect of the bill would be to remove insofar as actions brought by Indian tribes are concerned, the $10,000 limitation provided in section 1331(a) of title 28 and thus permit them to maintain actions

in the U.S. courts without any limitation on the amount in controversy, where the case arises under the Constitution, laws, or treaties of the United States. One of the purposes of the bill apparently is to overcome the effect of the decision in the case of *Yoder* v. *Assiniboine and Sioux Tribes*, 339 F. 2d 360 (1964) which held that the Federal courts did not have jurisdiction of an action brought by the Indian tribes involving oil and gas well spacing on tribal lands because the tribes failed to show that the jurisdictional amount of $10,000 was involved.

As indicated above the *Yoder* case involved the power of a State to control oil and gas well spacing on Indian lands. Other suits which might be brought in the Federal courts under the bill would include actions to quiet title to land claimed by Indian tribes, including actions to set aside patents where it is alleged the patents infringe upon rights claimed by the tribes under the Constitution, laws, or treaties of the United States and actions for the protection of powers of tribal self-government. While an accurate estimate cannot be made of the number of cases which might result from the enactment of the bill, there is no reason to believe the number would be large.

Whether the bill should be enacted involves questions of policy on which the Department of Justice prefers to make no recommendation. However, if the bill is to receive favorable consideration it is suggested that since there presently is a section 1361 of title 28, United States Code (Public Law 87–748; 76 Stat. 744) the bill should be amended by substituting "1361" for "1360" on line 4 and by substituting "1362" for "1361" on line 5 and again on line 6 of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHAPTER 85, TITLE 28, UNITED STATES CODE

§ 1361. * * *

"§ 1362. Indian tribes.

"The district courts shall have original jurisdiction of all civil actions, brought by any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States."

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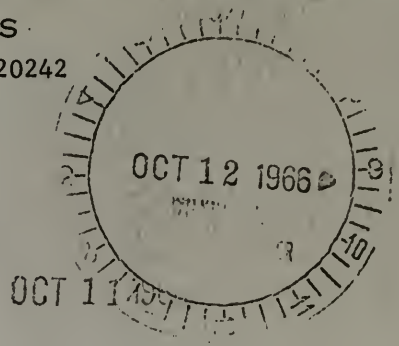
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. ~~20240~~ 20242

Tribal Operations



Mr. Charles A. Hobbs
1616 H Street, N. W.
Washington, D. C. 20006

Dear Mr. Hobbs:

This will refer to your letter of October 6 requesting a statement from us that the Quinault Tribe has a governing body duly recognized by the Secretary of the Interior.

Both the Department of the Interior and the Bureau of Indian Affairs recognize the business committee of the Quinault Tribe as having the authority to represent the Indians of the Quinault Reservation in tribal matters as specified in the bylaws. The business committee consists of the elected officers of the tribal council which is composed of the voting members of the tribe.

We hope this statement is sufficient to satisfy your needs.

Sincerely yours,

William E. Finale

Deputy Assistant Commissioner